In re application of: Daniel R. Malone, et al.
Application No.:   10/679,028   Examiner: James J Debrow
Filed: October 3, 2003   Art Unit: 2176

Confirmation No.   1498
Docket No.:   03-021
Customer No.:   37420

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

This Reply Brief is provided in response to the Examiner's Answer mailed August 24, 2007. The supplemental remarks below are submitted to reply to certain comments and grounds of rejection set forth by the Examiner in the Examiner's Answer.

1) Examiner's Interpretation of "Component Element Identifier" and "Product Description Identifier"

The terms "product description identifier" and "component element identifier" appear in all pending independent claims. On page 16 of the Examiner's Answer, the Examiner stated "the Examiner concludes it would be reasonable to interpret that a product description identifier is analogous to a category of products" and "the Examiner concludes it would be reasonable to interpret component element identifier of a product description identifier as being analogous to a sub-category of a product within a category of products". Based on this interpretation, the Examiner then cited the Fuwa reference as teaching elements having this interpretation. The Examiner did not reference any location in the Appellants' specification where either of these terms is used in a manner that supports this interpretation by the Examiner.

Appellants believe the Examiner's interpretation of these claim terms is unreasonable, inconsistent with the specification, and contrary to the requirements of MPEP 2111. As clearly and consistently used by Appellants throughout the specification, for example at [0034], a "product description identifier" is an identifier that is associated with a user's product design and has associated with it a plurality of individual "component element identifiers" that define the component elements of the product design. The specification, for example at [0028], consistently uses "component elements" to refer to the separately defined template elements, such as layout, design, font scheme, color scheme, image and text group, that are combined to create a product design template. As further noted in [0028], "Each layout, design, font scheme, color scheme, image and text group used by the system has a unique identifier." Fig. 6, discussed at [0034]-[0036], illustrates that the various component element identifiers that describe a particular user's design are associated with a product description identifier.

2) Examiner's Grounds of Rejection of Claims 1, 3-7, and 11

Independent claim 1 recites a method for displaying to a user a different template that is based on at least some element identifiers associated with the product description identifier of a first template. Independent claim 11 is a computer program product claim that is similar to method claim 1 and the comments below apply similarly to that claim.

The fifth step recited in claim 1 is "in response to each user change of a component element, associating the element identifier of the new component element with the product description identifier and modifying the displayed template to reflect the change". This claim step, therefore, recites two actions performed in response to a user change of a component element: (a) associating the element identifier of the

new component element with the product description identifier and (b) modifying the displayed template to reflect the change. In the Final Action of November 16, 2006, the Examiner did not address these two actions separately, but offered only the following comment: "(0019, lines 1-9; Friedman teaches the modification to the card is viewed in a WYSIWIG format. It has been established and is well known to a person of ordinary skill in the art that the WYSIWYG format would allow the user to immediately view the modifications to the card as they are made.)"

On page 6 of the Appeal Brief, Appellants pointed out that that Friedman teaches modifying the displayed template, but does not teach the other recited action of associating the element identifier of the new component element with the product description identifier. In the Examiner's Answer (first full paragraph on page 15), the Examiner did not offer any clarification or support regarding where any relevant teaching of this action might be found in the Friedman reference, but instead responded by stating that Appellants had failed to set forth any specific argument or rationale for why the Examiner is incorrect in his analysis. Appellants disagree and submit that a rationale for Appellants position was set forth on page 6 in the Appeal Brief. Specifically, Appellants assert that the Examiner's analysis is incorrect because no teaching of "associating the element identifier of the new component element with the product description identifier" is found in Friedman.

3) Examiner's Grounds of Rejection of Claims 8-10 and 13

Independent claim 8 recites a method that involves using at least one component element identifier from an earlier product associated with the user. Independent claim 13 is a computer program product claim that is similar to method claim 8 and the comments below apply similarly to that claim.
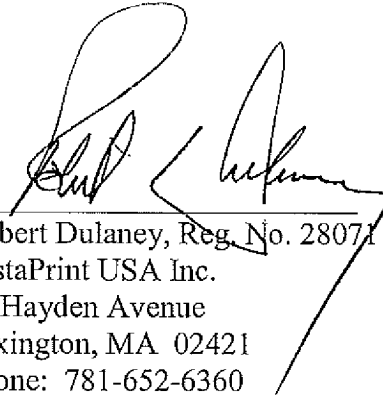
The fourth step recited in claim 8 is "displaying to the user identifiers associated with one or more earlier products associated with the user". In applying Fuwa to this step, the Examiner stated "(0041-0042; Fuwa teaches the customer management database stores information about customers who has order (sic) in the past, and the orders management database stores information about the each order number and information about orders.)" In the Appeal Brief (final paragraph on page 9), Appellants pointed out that the database referred to by the Examiner is described in Fuwa as being "solely for internal stamp vendor purposes. Nothing in Fuwa discloses or suggests that any portion of the contents is displayed to the user, as is recited in claim 8." In the Examiner's Answer (bottom of page 18), the Examiner responded with the comment: "As seen in Fig. 12 and Fig. 15, Fuwa clearly teaches displaying the different template to the user." The Examiner's statement, apparently carried over from the Examiner's comments on page 17 of the Answer regarding claim 1, is not relevant to the fourth step of claim 8. While Fuwa teaches retaining a database of information about past orders, Fuwa does not teach or suggest displaying to the user identifiers associated with earlier products of the user.

The fifth step recited in claim 8, similarly to the fifth step of claim 1 discussed above, recites two actions that are taken in response to user selection of one of the earlier product identifiers, specifically (a) associating at least one of the component element identifiers of the selected earlier product with the product description identifier and (b) modifying the displayed template to reflect the change. The Examiner repeated the same rejection as was applied to claim 1 and, as was the case with claim 1, in the Examiner's Answer, the Examiner again took the position that Appellants did not provide any rationale in the Appeal Brief for why the Examiner's analysis was incorrect. Appellants again disagree. As stated on page 9 of the Appeal Brief, Appellants' contend that the Examiner's analysis is incorrect because no teaching of "associating at least one of the component element identifiers of the selected earlier product with the product description identifier" if found in Friedman.

Conclusion

Appellants respectfully submit that all claims 1, 3-11, and 13 are patentable and reversal of all rejections is respectfully requested.

Respectfully submitted,

Date: October 24, 2007

Robert Dulaney, Reg. No. 28071
VistaPrint USA Inc.
95 Hayden Avenue
Lexington, MA 02421
Phone: 781-652-6360
Fax: 781-652-6092